

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In Re:

Chapter 11

MICHAEL CHESNER
a/k/a MICHAEL D. CHESNER
a/k/a DR. MICHAEL CHESNER
AND
AMY CHESNER
a/k/a AMY BAKER
a/k/a AMY D. CHESNER

Case No.: 17-73059

Debtors.

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ROBIN CHESNER

Adv. Proc. No.: 17-08215

Plaintiff,

-against-

ANSWER

MICHAEL CHESNER a/k/a MICHAEL D.
CHESNER a/k/a DR. MICHAEL CHESNER

Defendant.

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Michael Chesner (“Debtor”) by his attorneys Berger, Fischoff & Shumer, LLP, as and for the Debtor’s/Defendant’s Answer to the Complaint (“Compliant”) filed by Robin Chesner (“Plaintiff”), responds as follows:

1. Denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “1” of the Complaint and respectfully refers the interpretation of the legal authorities therein to the Court.
2. Admits the allegations set forth in paragraph “2” of the Complaint.
3. Admits the allegations set forth in paragraph “3” of the Complaint.
4. Admits the allegations set forth in paragraph “4” of the Complaint.

5. Admits the allegations set forth in paragraph "5" of the Complaint.
6. Admits the allegations set forth in paragraph "6" of the Complaint.
7. Admits the allegations set forth in paragraph "7" of the Complaint.
8. Admits the allegations set forth in paragraph "8" of the Complaint.
9. Admits the allegations set forth in paragraph "9" of the Complaint.
10. Denies knowledge and information sufficient to form a belief as to the trust or falsity of the allegations contained in paragraph "10" of the complaint and respectfully refers the interpretation of the legal authorities therein to the Court.
11. Admits the allegations set forth in paragraph "11" of the Complaint.
12. Admits the allegations set forth in paragraph "12" of the Complaint.
13. Admits the allegations set forth in paragraph "13" of the Complaint.
14. Admits the allegations set forth in paragraph "14" of the Complaint.
15. Admits the allegations set forth in paragraph "15" of the Complaint.
16. In responding to paragraph "16" of the Complaint, Defendant denies the allegations contained therein and respectfully refers the Court to the documents cited therein for their contents, interpretation and application.
17. Admits the allegations set forth in paragraph "17" of the Complaint.
18. In responding to paragraph "18" of the Complaint, Defendant denies the allegations contained therein and respectfully refers the Court to the documents cited therein for their contents, interpretation and application.
19. Denies each and every allegation contained in paragraph "19" of the Complaint.
20. Admits the allegations set forth in paragraph "20" of the Complaint.

21. In responding to paragraph “21” of the Complaint, Defendant denies the allegations contained therein and respectfully refers the Court to the documents cited therein for their contents, interpretation and application.

22. In responding to paragraph “22” of the Complaint, Defendant denies the allegations contained therein and respectfully refers the Court to the documents cited therein for their contents, interpretation and application.

23. In responding to paragraph “23” of the Complaint, Defendant denies the allegations contained therein and respectfully refers the Court to the documents cited therein for their contents, interpretation and application.

24. Denies each and every allegation contained in paragraph “24” of the Complaint.

25. Denies each and every allegation contained in paragraph “25” of the Complaint.

26. In response to paragraph “26” of the Complaint, Defendant repeats and realleges each and every response to the allegations contained in paragraphs “1” through “25” of the Complaint as is set forth fully herein.

27. Admits the allegations set forth in paragraph “27” of the Complaint.

28. Admits the allegations set forth in paragraph “28” of the Complaint.

29. Admits the allegations set forth in paragraph “29” of the Complaint.

30. Denies each and every allegation contained in paragraph “30” of the Complaint.

31. Denies each and every allegation contained in paragraph “31” of the Complaint.

32. Denies each and every allegation contained in paragraph “32” of the Complaint.

33. Denies each and every allegation contained in paragraph “33” of the Complaint.

34. Denies each and every allegation contained in paragraph “34” of the Complaint.

35. In responding to paragraph "35" of the Complaint, Defendant repeats and realleges each and every response to the allegations contained in paragraphs "1" through "34" of the Complaint as is set forth fully herein.

36. In response to paragraph "36" of the Complaint, Defendant denies the allegations contained therein and respectfully refers the Court to the documents cited therein for their contents, interpretation and application.

37. Denies each and every allegation contained in paragraph "37" of the Complaint.

38. Denies each and every allegation contained in paragraph "38" of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

39. The Complaint fails to state a claim upon which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

40. The claims alleged do not fall under 11 U.S.C. 523 (a)(5) or (a)(15).

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

41. All amounts alleged owed are overstated.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

42. Any amounts alleged to be non-dischargeable should be offset against amounts due and owing to Plaintiff by the Defendant.

WHEREFORE, it is respectfully requested that this Honorable Court grant judgment dismissing the Complaint, together with costs and disbursements, and such other and further relief as this court deems just and proper.

Dated: Syosset, New York
October 20, 2017

Berger, Fischoff & Shumer, LLP
Attorneys for Michael Chesner

By:


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